

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-cr-00267-01

JAMES EVANS

MOTION FOR DETENTION HEARING

The United States moves this Court to hold a detention hearing pursuant to 18 U.S.C. § 3142(f) to determine whether any condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of other persons and of the community.

1. Eligibility of Case. This case involves a:

_____ crime of violence [18 U.S.C. § 3142(f)(1)(a)]

_____ maximum sentence life imprisonment or death [18 U.S.C. § 3142(f)(1)(B)]

_____ 10+ year controlled substance offense [18 U.S.C. § 3142(f)(1)(C)]

_____ felony, with two prior convictions in above categories [18 U.S.C. § 3142(f)(1)(D)]

 x minor victim, or the possession or use of a firearm or destructive device, or other dangerous weapon, or a failure to register under 18 U.S.C. § 2250 [18 U.S.C. § 3142(f)(1)(E)]

 x serious risk defendant will flee [18 U.S.C. § 3142(f)(2)(A)]

_____ serious risk of obstruction of justice [18 U.S.C. § 3142(f)(2)(B)]

2. Reason for Detention. The court should detain defendant because no conditions of release will reasonably assure (check one or both):

 x Defendant's appearance as required

 x Safety of any other person and the community

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against defendant pursuant to 18 U.S.C. § 3142(e). (If yes) The presumption applies because:

 Probable cause to believe defendant committed 10+ year controlled substance offense, or offense under 18 U.S.C. § 924(c), 956(a), or 2332b.

 Previous conviction for "eligible" offense committed while on pretrial bond. Eligible offenses are the first five categories listed under Paragraph 1 of this motion.

 Probable cause to believe defendant committed an offense involving a minor as a victim under 18 U.S.C. § (1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1)-(3), 2252A(1)-(4), 2260, 2421-23, or 2425).

4. Time for Detention Hearing. The United States requests the court conduct the detention hearing,

 At first appearance

 x After continuance of 3 days.

5. Temporary Detention. The United States moves the court to detain the defendant during any continuance and pending completion of the detention hearing.

6. Other Matters.

DATED: October 18, 2019

Respectfully submitted,

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